

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3058
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Recruiting Families
3 Using Data Act of 2023”.

4 SEC. 2. STATE PLAN AMENDMENT.

5 (a) IN GENERAL.—Section 422 of the Social Security
6 Act (42 U.S.C. 622) is amended—

7 (1) in subsection (b)(7), by inserting “through
8 the development and implementation of a family
9 partnership plan which meets the requirements of
10 subsection (d) for identification, recruitment, screen-
11 ing, licensing, support, and retention of foster and
12 adoptive families” after “are needed”; and

13 (2) by adding at the end the following:

14 “(d) FAMILY PARTNERSHIP PLAN REQUIRE-
15 MENTS.—For purposes of subsection (b)(7), the require-
16 ments for a family partnership plan (in this subsection
17 referred to as the ‘plan’) are the following:

1 “(1) The plan is developed in consultation with
2 birth, kinship, foster and adoptive families, commu-
3 nity-based service providers, technical assistance
4 providers, and youth with lived experience with fos-
5 ter care and adoption.

6 “(2) The plan describes—

7 “(A) how the State plans to identify, no-
8 tify, engage, and support relatives (and others
9 connected to the child) as potential placement
10 resources for children;

11 “(B) how the State plans to develop and
12 implement child-specific recruitment plans for
13 every child in or entering foster care who needs
14 a foster or adoptive family;

15 “(C) how the State plans to authentically
16 engage children and youth in recruitment ef-
17 forts on their behalf;

18 “(D) how the State plans to use data to
19 establish goals, assess needs, measure progress,
20 reduce unnecessary placements in congregate
21 care, increase permanency, improve placement
22 stability, increase the rate of kinship place-
23 ments, improve recruitment and retention of
24 families for teens, sibling groups, and other spe-
25 cial populations, and align the composition of

1 foster and adoptive families with the needs of
2 children in or entering foster care; and

3 “(E) how the State will stand up or sup-
4 port foster family advisory boards for the pur-
5 pose of improving recruitment and retention of
6 foster and adoptive families.

7 “(3) The plan provides that, not less than an-
8 nually, the State shall collect and report on the
9 State’s actual foster family capacity and congregate
10 care utilization, including the number, demo-
11 graphics, and characteristics of licensed foster fami-
12 lies, including prospective adoptive families, the
13 number of such families that haven’t received a
14 placement or are not being fully utilized and the rea-
15 sons therefor, and the number, demographics, and
16 characteristics of children placed in congregate care
17 in-State and out-of-State.

18 “(4) The plan includes, and shall update not
19 less than annually, a summary of the most recent
20 feedback from foster and adoptive parents and youth
21 regarding licensure, training, support, and reasons
22 why parents stop fostering or why adoptive or legal
23 guardianship placements out of foster care fail or
24 foster and such adoptive or legal guardianship fami-
25 lies struggle to meet children’s needs.

1 “(5) The plan includes, and shall update annu-
2 ally, a report on the State’s analysis of specific chal-
3 lenges or barriers to recruiting, licensing, and uti-
4 lizing families who reflect the racial and ethnic back-
5 ground of children in foster care in the State, and
6 the State’s efforts to overcome those challenges and
7 barriers.

8 “(6) The plan includes such other information
9 relating to foster and adoptive parent recruitment
10 and retention as the Secretary may require.”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendment made by this subsection
14 shall take effect on October 1, 2024.

15 (2) DELAY PERMITTED IF STATE LEGISLATION
16 REQUIRED.—In the case of a State plan approved
17 under subpart 1 of part B of title IV of the Social
18 Security Act which the Secretary of Health and
19 Human Services determines requires State legisla-
20 tion (other than legislation appropriating funds) in
21 order for the plan to meet the additional require-
22 ments imposed by this subsection, the State plan
23 shall not be regarded as failing to comply with the
24 requirements of such part solely on the basis of the
25 failure of the plan to meet such additional require-

1 ments before the first day of the first calendar quar-
2 ter beginning after the close of the first regular ses-
3 sion of the State legislature that begins after the
4 date of enactment of this subsection. For purposes
5 of the previous sentence, in the case of a State that
6 has a 2-year legislative session, each year of such
7 session shall be deemed to be a separate regular ses-
8 sion of the State legislature.

9 **SEC. 3. INCLUSION OF INFORMATION ON FOSTER AND**
10 **ADOPTIVE FAMILIES IN ANNUAL CHILD WEL-**
11 **FARE OUTCOMES REPORT TO CONGRESS.**

12 Section 479A(a) of the Social Security Act (42
13 U.S.C. 679b(a)) is amended—

14 (1) in paragraph (6)(C), by striking “and”
15 after the semicolon;

16 (2) in paragraph (7)(B), by striking the period
17 and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(8) include in the report submitted pursuant
20 to paragraph (5) for fiscal year 2025 or any suc-
21 ceeding fiscal year—

22 “(A) State-by-State data on the number,
23 demographics, and characteristics of foster and
24 adoptive families in the State, and the number

1 of potential foster and adoptive families not
2 being utilized in the State and the reasons why;

3 “(B) a summary of the challenges of, and
4 barriers to, being a foster or adoptive parent,
5 including with respect to recruitment, licensure,
6 engagement, retention, and why parents stop
7 fostering, adoptions disrupt or dissolve, or fos-
8 ter or adoptive families struggle, as reported by
9 States based on surveys of foster and adoptive
10 parents; and

11 “(C) a summary of the challenges and bar-
12 riers States reported on efforts to recruit a pool
13 of families that reflect the racial and ethnic
14 background of children in foster care in the
15 State, and efforts to overcome those barriers.”.

